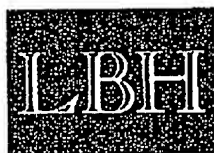


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1814

November 2, 2007

PRIVILEGED AND CONFIDENTIAL

Mail Stop 16
Director of the USPTO
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Refund of Patent Fee Overpayment

Dear Sir or Madam,

It has come to our attention that Levine Bagade Han LLP is due credit in the amount of \$65.00. Below is an explanation of the credit.

U.S. Application No. 10/810,276
Our Docket No. ASTXNA00101
Fee paid via American Express: \$130
Date Charged: October 31, 2007
Amount due to be credited: \$65

It is believed the error in fee amount is due to an over payment for a statutory disclaimer (terminal disclaimer) fee code 2814 for a small entity pursuant to §37 CFR 1.20(d) via EFS-Web on October 31, 2007. The FY 2008 Fee Schedule effective September 30, 2007 clearly indicates the following fees for a statutory disclaimer:

Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
Retissuance Fees				
1814/2814	1.20(d)	Statutory disclaimer	130.00	65.00

EFS-Web would not allow payment of a small entity fee for statutory disclaimer.

Accordingly, please credit the overpayment of \$65.00 to American Express credit card number 3715 370443 81012, as this was the original method of payment.

LEVINE BAGADE HAN LLP

November 2, 2007
Page 2 of 2

Application No.: 10/810,276

Support for this credit can be found in the attached documents, which include:

1. Electronic Acknowledgement Receipt for 10/810,276 indicating the statutory disclaimer fee (\$130) was submitted upon filing via EFS
2. Electronic Patent Application Fee Transmittal for 10/810,276 indicating the fee code 1814 in the amount of \$130 was paid upon filing even though a small entity was designated.

I thank you in advance for your attention in this matter. Please feel free to contact me with any questions or comments regarding this refund request.

Sincerely,



Sanjuy S. Bagade
Registration No. 42,280

Enclosures

Electronic Patent Application Fee Transmittal

Application Number:	10810276			
Filing Date:	26-Mar-2004			
Title of Invention:	Method of treating airways in the lung			
First Named Inventor/Applicant Name:	Michael D. Laufer			
Filer:	Sanjay S. Bagade/Quyen Nguyen			
Attorney Docket Number:	ASTXNA00101			
Filed as Small Entity				
Utility Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:		Adjustment date: 12/05/2007 MGE BREM1 11/01/2007 INTEFSW 00000168 10810276 01 FC:1814 -130.00 OP		
Patent-Appeals-and-Interference:		12/05/2007 MGE BREM1 00000005 10810276 01 FC:2014 65.00 OP		
Post-Allowance-and-Post-Issuance:				
Statutory disclaimer	1814	1	130	130
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	2801	1	405	405
Total in USD (\$)				535

RF

Application Number Information

Application Number: 10/810276

Examiner Number: 64380 / SHAY, DAVID**Assignments**Filing or 371(c) Date: 03/26/2004 eDanGroup Art Unit: 3735IFW Madras

Effective Date: 03/26/2004

Class/Subclass:
607/088.000Waiting for Response
Desc.

Application Received: 03/29/2004

Lost Case: NO

Pat. Num./Pub. Num: /20050010270

Interference Number:

Req for Continue

Issue Date: 00/00/0000

Unmatched Petition: NO

Mail Non Final

Date of Abandonment: 00/00/0000

L&R Code: Secrecy Code:1

Attorney Docket Number: ASTXNA00101

Third Level Review: NO

Secrecy Order: NO

Status: 41 /NON FINAL ACTION MAILED

Status Date: 08/22/2007

Confirmation Number: 8525

Oral Hearing: NO

Title of Invention: **METHOD OF TREATING AIRWAYS IN THE LUNG**

Bar Code	PALM Location	Location Date	Charge to Loc	Charge to Name	Employee Name	Location
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Appln
Info[Contents](#)[Petition Info](#)[Atty/Agent Info](#)[Continuity/Reexam](#)[Foreign Data](#)Search Another: **Application #** _____[Search](#)**or Patent#** _____[Search](#)**PCT /** _____ / _____[Search](#)**or PG PUBS #** _____[Search](#)**Attorney Docket #** _____[Search](#)**Bar Code #** _____[Search](#)

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FAX

To:	Commissioner for Patents	From:	Sanjay S. Bagade Reg. No. 42,280
Fax:	(571) 273-8300	Pages:	4 (including cover page)
Phone:		Date:	November 2, 2007

Comments: REFUND OF PATENT FEE OVERPAYMENT

Application No.: 10/810,276
Confirmation No.: 8525
Filing Date: March 26, 2004
Title: METHODS FOR TREATING AIRWAYS IN THE LUNG
Inventor(s): Michael D. LAUFER
Examiner: David M. Shay
Group Art Unit: 3735
Attorney Docket No.: ASTXNA00101

Papers attached:

1. Transmittal Sheet – 1 page
2. Letter re Request for Refund of Patent Fee Overpayment – 2 pages

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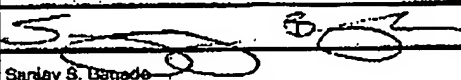
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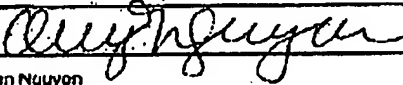
PTO/SB/21 (10-07)

Approved for use through 10/31/2007 OMA 0051-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/810,276
	Filing Date	March 26, 2004
	First Named Inventor	Michael D. LAUFER
	Art Unit	3735
	Examiner Name	David M. Shay
	Attorney Docket Number	AGTXNA00101
Total Number of Pages in This Submission		3

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Levine Bagade Han LLP	
Signature		
Printed name	Sanjay S. Bagade	
Date	November 2, 2007	Reg. No. 42,280

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	
Typed or printed name	Ouyen Nguyen
Date	November 2, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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